

Notice of Allowability

Application No.

09/402,968

Examiner

Hugh Jones

Applicant(s)

RONALDSON ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/25/2005.
2. ☒ The allowed claim(s) is/are 1-17, 19-25 and 27-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. Claims 1-17, 19-25, 27-32 of U. S. Application 09/402,968, filed 01/12/2000 are presented for examination.

Allowable Subject Matter

2. Claims 1-17, 19-25, 27-32 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance: The calibration of neutron detectors is well known in the prior art. The closest art of uncovered appears to be:

- Kawasaki et al. (of record) disclose moving a neutron radiation source in order to determine the strength of the radiation. See page 5, line 12 to page 6, line 23; page 19, line 19 to page 20, line 15.

- Hurst et al. disclose a radiation detector simulator, including the capability to simulate the distance between the radiation source and the detector. In particular, Hurst et al. disclose a health physics instrument simulator system permitting an operator to simulate measurement of radiation levels of a plurality of radiation types includes a memory for storing first data corresponding to an n-dimensional training space representing a predetermined physical location, second data defining a radiation source including source strength, source type and source location with respect to the training space and radiation intensity data based on the second data, where each of the radiation intensity data corresponds to one respective location in the training space, a selecting device for selecting a predetermined simulated radiation sensing instrument, a pointing device for identifying a location within the training space defining a current

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location of the simulated radiation sensing instrument and a display for displaying both an instrument display corresponding to the simulated radiation sensing instrument and radiation intensity data corresponding to the current location in the training space. Methods for operating a health physics instrument simulator system including a computer and a display are also disclosed. See col. 3, line 14 to col. 4, line 3.

3. However, the cited prior art does not appear to disclose or suggest the claimed invention as expressly recited, especially adjusting the model source location and/or activity to reduce the difference between the predicted and actual detection rates, *in the context of the claims*.

4. The Examiner agrees that it is the claim as a whole which must be considered, and consequently, that was why the recitation "*in the context of the claims*" was used in the reasons for allowance. At the same time, the claim as a whole is a combination of individual limitations. The Examiner respectfully does not agree to the proposition that it may not a particular limitation(s) that may make a claim patentable over the prior art of record.

5. Applicants have traversed the 112 rejections via their amendment.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be:

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directed to:

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to: Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 308-9051 (for formal communications intended for entry) *or*

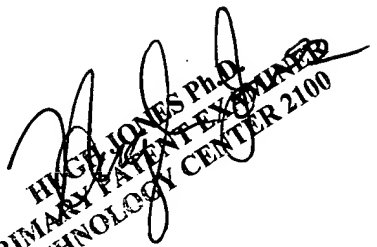
(703) 308-1396 (for informal or draft communications, please label

APROPOSED or *ADRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

September 17, 2005


HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100